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SUBJECT: AMBASSADOR PRESSES FOREIGN MINISTRY ON BADAWI CASE

REF: STATE 155898

Classified By: Ambassador Stephen A. Seche for reasons 1.4 (b) and (d)

Summary

¶1. (S) Per reftel, the Ambassador met on November 14 with the Deputy Foreign Minister to discuss the Badawi case. The Ambassador thanked him for the steps the ROYG has taken to ensure access for FBI investigators and reiterated strong USG interest in having Badawi in US custody. He said the USG would look favorably on Badawi's continued incarceration in Sana'a with USG access. Al-Dhabbi said the ROYG would work to resolve the situation and agreed to convey the message to President Saleh. The Ambassador privately suggested exploring how Badawi could be turned over and what incentives might make it politically feasible. Noting that he had not received instructions from Washington, the Ambassador said these incentives might include the rescheduling of the signing of Yemen's Millennium Challenge Corporation (MCC) Threshold Country Plan or working for the return of Yemenis currently held at Guantanamo. Al-Dhabbi said he would pass the message directly to Saleh. End Summary.

Official Meeting

¶2. (C) On November 14, the Ambassador met with Prime Deputy Minister of Foreign Affairs Mohy Al-Dhabbi for approximately 45 minutes at Al-Dhabbi's office to discuss the case of Jamal al-Badawi. The Ambassador conveyed to Al-Dhabbi the USG's appreciation for transferring Badawi to Sana'a and providing access to him for FBI investigators. The Ambassador noted that Badawi's cooperation has been good and the FBI team was satisfied with PSO cooperation. He particularly noted assurances the team had received that Badawi was returned to a prison cell each evening after interrogation.

¶3. (C) The Ambassador reiterated to Al-Dhabbi the USG's desire to have Badawi handed over to U.S. custody. While that issue is wrestled with, the Ambassador indicated to Al-Dhabbi that the USG would look favorably on a decision to keep Badawi in prison in Sana'a and grant U.S. officials on-demand access to him. He then added that Badawi's case, if left unresolved, could become a major impediment to the bilateral relationship.

¶4. (C) The Deputy Foreign Minister asked if such incarceration in Sana'a with the stated conditions would satisfy the USG. The Ambassador responded that such incarceration was a requirement. Al-Dhabbi said that the ROYG would do its best to protect the bilateral relationship but urged that the USG not stake the entire relationship on one issue. He conceded that in negotiating with Badawi the ROYG had not sufficiently considered American feelings but emphasized that at no time did the ROYG intend to hurt the

victims of the USS Cole bombing or their families. He assured the Ambassador the ROYG is doing the "maximum that it can" and promised to convey the Ambassador's message the same day. The Ambassador expressed his appreciation the ROYG's commitment to keep Badawi in prison.

Private Conversation

15. (S) The Ambassador asked at this point if he might speak privately with al-Dhabbi. Once the notetakers had departed, the Ambassador explained that he wanted to convey our wish to explore quietly with the ROYG ways to effect the transfer of Badawi to US custody, recognizing the difficulty this course of action poses for President Saleh.

16. (S) The Ambassador told al-Dhabbi that we do not wish to focus exclusively on the negative consequences of the Badawi case going unresolved, although there should be no doubt that failure to reach a satisfactory outcome would almost certainly lead to such measures. We are also prepared, the Ambassador said, to consider steps that will enable President Saleh to point to material gains for Yemen as a result of Badawi's surrender to US custody. Taking care to note that he had yet to receive instructions from Washington, the Ambassador suggested that these measures might include, in the first instance, a rescheduling of the MCC Threshold Program signing. He said he also believed the USG would be prepared to work towards the return of Yemeni nationals currently held at Guantanamo. These two steps, he said, should enable President Saleh to claim that Yemen had been more than adequately compensated for its decision to turn over Badawi to American custody. The Ambassador also said that other gestures might also be considered in order to enable both Yemen and the United States to assert that our respective requirements had been satisfied and, in the process, put this matter behind us.

17. (S) Al-Dhabbi said he would inform the President personally of the United States' interest in exploring incentives that might be offered to resolve the Badawi affair, recognizing that this subject should remain as close hold as possible. He expressed certainty that President Saleh's first reaction would be an adamant rejection of any negotiation, but that on reflection, the President would begin to see the benefits and his position might evolve. This, al-Dhabbi said, is a process that will require both time and careful management. He promised to keep the Ambassador informed.

Comment

18. (S) Although Al-Dhabbi did not formally commit to any concrete ROYG action, his tone indicated that he felt that, at a minimum, the USG can count on Badawi's continued incarceration with access that will allow us to confirm his status. With respect to possible incentives for Badawi's return, Al-Dhabbi's willingness to convey to Saleh an idea that he thinks will face "adamant rejection" is, in and of itself, a positive sign. In Yemen, very few officials are willing to carry messages to the President that they feel will upset him.

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